

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

KEN ROBERTS,

Plaintiff,

v.

JAMES GREG COX, *et al.*,

Defendants.

2:09-cv-02382-PMP -VCF

O R D E R

Before the court is *pro se* plaintiff Ken Roberts' Motion To Receive Free Copy Work From the Court. (#50).

On May 18, 2010, the court granted plaintiff's motion/application to proceed *in forma pauperis*. (#4). The clerk filed plaintiff Roberts' *pro se* prisoner civil rights complaint on August 31, 2010. (#8). Plaintiff alleged five claims against defendants. *Id.* On March 22, 2011, the court dismissed plaintiff's second claim for his failure to exhaust administrative remedies and plaintiff's retaliation claim with leave to amend. (#33). The court denied the motion as to the other three counts, and gave the plaintiff until April 18, 2011, to file an amended complaint. *Id.* No amended complaint has been filed.

On June 27, 2011, the court provided plaintiff with a complete copy of the docket sheet. (#38). Subsequently, plaintiff filed a motion for entry of clerk's default (#39) due to defendants' failure to file an answer after the court partially granted the motion to dismiss. On August 31, 2011, the defendants filed their answer. (#41). On September 6, 2011, the court denied the plaintiff's motion for entry of default. (#43). On September 12, 2011, plaintiff filed another motion for entry of default (#45), which the court denied on September 28, 2011 (#48). There are no other pending motions in this action.

Motion To Receive Free Copy Work (#50)

In the present motion (#50), the plaintiff asks this court to send him a copy of his "civil complaint, documents, orders, [and] any and all motions and pleadings made by defendants." The

1 statute providing authority to proceed *in forma pauperis*, 28 U.S.C. § 1915, does not include the right
2 to obtain court documents without payment. Although the Ninth Circuit has not spoken on the issue,
3 courts in other jurisdictions have not allowed plaintiffs proceeding *in forma pauperis* to receive free
4 copies of documents from the court without the plaintiff demonstrating a specific showing of need. *See*,
5 *e.g.*, *Collins v. Goord*, 438 F.Supp. 2d 399 (S.D.N.Y. 2006); *Guinn v. Hoecker*, 43 F.3d 1483 (10th Cir.
6 1994) (no right to free copy of any document in record unless plaintiff demonstrates specific need); *In*
7 *re Richard*, 914 F.2d 1526 (6th Cir. 1990) (28 U.S.C. § 1915 does not give litigant right to have
8 documents copied at government expense); *Douglas v. Green*, 327 F.2d 661, 662 (6th Cir. 1964) (no
9 free copy of court orders).

10 Here, plaintiff asserts that he needs copies of the documents because he has been transferred
11 several times in the last couple months, and, as a result, his “civil complaint and documents, as well as
12 other items of value, were lost.” (#50). On September 20, 2011, October 19, 2011, and October 26,
13 2011, plaintiff was transferred between four different correctional facilities. *Id.* He contends that since
14 he is proceeding *in forma pauperis*, he has no funds to replace the lost documents. *Id.* The court finds
15 that plaintiff has demonstrated a specific showing of need for the copies. *See, e.g.*, *Collins*, 438 F.Supp.
16 2d 399; *Guinn*, 43 F.3d 1483; *In re Richard*, 914 F.2d 1526; *Douglas*, 327 F.2d 661, 662.

17 The only necessary documents at this stage in the litigation are the docket sheet, the plaintiff’s
18 complaint (#8), the court’s order dismissing claims (#33), and the defendants’ answer to the complaint
19 (#41). The plaintiff does not need copies of any motions made by the defendants in order to proceed,
20 as the court has already ruled on the motions and the docket sheet reflects the court’s rulings.

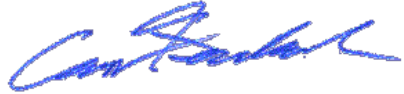
21 Accordingly, and for good cause shown,

22 IT IS ORDERED that *pro se* plaintiff Ken Roberts’ Motion To Receive Free Copy Work From
23 the Court (#50) is GRANTED in part and DENIED in part.

24 IT IS THEREFORE ORDERED that the Clerk shall mail a copy of the complete docket sheet,
25 the plaintiff’s complaint (#8), the court’s order (#33), and the defendants’ answer to the complaint (#41)

1 to the plaintiff at the address indicated on his change of address form attached to the motion (#50):
2 Lovelock Correctional Center, 1200 Prison Road, Lovelock, Nevada, 89419.

3 DATED this 29th day of November, 2011.

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6 **CAM FERENBACH**
7 **UNITED STATES MAGISTRATE JUDGE**
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